

REMARKS

Claims 1-6, 8-11 and 13-21 are pending.

Information Disclosure Statements

Applicant notes that the Examiner did not consider the Information Disclosure Statements filed on September 7, 2004 and June 14, 2005. A check of the status information on the United States Patent and Trademark Office website indicates that these Information Disclosure Statements were received. Applicant's attorney, Linda Palomar, left a voice mail for the Examiner regarding this matter, and the Examiner left a voice for Ms. Palomar on August 16, 2005 advising that the Information Disclosure Statements were received and would be considered in the next Office Action. Therefore, Applicant requests consideration of same.

Claim Rejections - 35 U.S.C. §103

Claims 1 and 2 were rejected under 35 U.S.C. §103 as being unpatentable over United States Patent No. 3,072,382 to Jones in view of United States Patent No. 4,456,225 to Lucas and United States Patent No. 3,224,733 to Ensley. Reconsideration and allowance of the claims is requested.

As conceded by the Examiner, Jones does not disclose how the cable puller is attached to the frame. It is clear, however, that Jones does not disclose attaching the cable puller by use of vise chains as specified in claim 1. It appears to Applicant that the cable puller of Jones is welded or bolted to the frame as has been conventionally done in the prior art.

In order to show motivation for the use of chains to attach the cable puller to the frame of Jones, the Examiner relies upon Ensley. Ensley discloses a typical prior art mounting of a cable puller by vise chains to a tube 11. This is identical to that shown in Figure 2 of the present application and conceded as prior art by the Applicant. Applicant concedes that it has been known to mount a cable puller by vise chains to a tube, but does not concede that it has been known, or is obvious, to mount a cable puller to an adaptor frame by vise chains.

Applicant submits that there is no motivation for combining Ensley with Jones absent the use of hindsight after reading Applicant's disclosure. It has only been known in the prior art to use the vise chains to attach the cable puller to a tube or pipe as shown in Figure 2 of the present application. The use of the vise chains to attach the cable puller to an adaptor mounted on a wheeled carriage has not been heretofore known or suggested. The attachment of the cable puller to an adaptor mounted on a wheeled carriage presents clear benefits that have not been previously realized in the prior art.

Therefore, Applicant submits that the combination of Jones, Lucas and Ensley does not render obvious the claimed invention specified in claim 1. Reconsideration and allowance is requested.

Allowable Subject Matter

Claims 8-11 and 14-19 have been allowed.


The Examiner indicated that claims 4-6, 13, 20 and 21 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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By: _____


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